THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No.14919 of 2006

Date 20-07-2006

Between:
Rajana Satyanarayana.

..... PETITIONER

AND

The District Collector and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No.14919 of 2006

ORDER:

This Writ Petition is filed for a Writ of Mandamus declaring the action of the 1st respondent in issuing the proceedings dated 14-07-2006 as illegal, arbitrary and contrary to Constitutional provisions apart from being violative of principles of natural justice, and consequently direct the respondents not to shift the polling booths from Rajannapalem to Tanthadi village, Atchutapuram Mandal, Visakhapatnam District, and consequently direct the respondents to follow in accordance with the resolution dated 02-05-2006 and pass such other suitable orders.

Several factual details had been narrated. The proceedings of the 1st respondent-District Collector in Rc.No.2265/2005 A2, dated 14-07-2006, is placed before this Court where certain reasons had been recorded and the request of the petitioner for providing polling booth at Rajannapalem was rejected. It is brought to the notice of this Court that this Court passed an order in W.P.No.14110 of 2006, dated 13-07-2006 and the same had not been considered. The relevant portion of the order reads as hereunder:

> "The arrangement of polling booths and the shifting of polling booths, these aspects depend upon several local situations. Certain grievances had been expressed in the affidavit filed in support of the writ petition. This Court is not inclined to express any further opinion relating to the factual aspects narrated in the affidavit filed in support of the writ petition. However, it is stated that on 16-05-2006 itself representation was made. It is also stated that a unanimous resolution was made on 02-05-2006.
>
> In view of the said facts, the first respondent is

directed to consider the representation dated 16-05-2006, in accordance with law, and pass appropriate orders within one week from the date of receipt of a copy of the order.

The writ petition is disposed of accordingly. No order as to costs."

The main grievance of the writ petitioner is that the 1st respondent-District Collector had not taken into consideration the unanimous resolution and also the observations made by this Court while disposing of W.P.No.14110 of 2006. This writ petition, in fact, was not referred to by the 1st respondent-District Collector, Visakhapatnam, but, however, a reference was made that S r i R.Satyanarayana, Sarpanch of Thantadi Gram Panchayat approached the Hon'ble High Court of Andhra Pradesh for a direction to the respondents to provide 6 Polling Stations in Rajannapalem village and the Hon'ble High Court issued oral direction to the District Collector to consider the case and issued appropriate orders.

This Court is of the considered opinion that the order passed by the 1st respondent without considering the order passed by this Court in W.P.No.14110 of 2006, *prima facie*, cannot be sustained. In view of the same and also in the light of the orders already passed in W.P.No.14110 of 2006 referred to supra, the 1st respondent-District Collector is hereby directed to re-consider the same and pass appropriate orders taking into consideration the observations made by this Court in W.P.No.14110 of 2006 inclusive of the unanimous resolution referred to.

The Writ Petition is accordingly disposed of. No order as to costs.

20-07-2006

Note: Office to communicate
the order immediately.
B/o
usd